

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ERIC DAVID ROOT,	:	Case No. 2:23-cv-1245
	:	
Plaintiff,	:	
	:	
vs.	:	District Judge Michael H. Watson
	:	Magistrate Judge Kimberly A. Jolson
	:	
MR. HAYNES,	:	
	:	
Defendant.	:	
	:	

REPORT AND RECOMMENDATION

On April 7, 2023, plaintiff filed a complaint in this Court pursuant to 42 U.S.C. § 1983. (Doc. 1). Plaintiff submitted the incorrect filing fee, which was returned to him with a blank *in forma pauperis* form and a letter specifying the correct filing fee. On April 14, 2023, the Court issued a Deficiency Order, requiring plaintiff to pay the full filing fee or submit to the Court an *in forma pauperis* application and certified copy of plaintiff's prison trust fund account statement (or institutional equivalent) for the six-month period immediately prior to the filing of the complaint. See 28 U.S.C. § 1915(a)(2). (Doc. 2). Plaintiff was advised that "[i]f plaintiff fails to comply with this Order, the Court shall dismiss this case for want of prosecution." (*Id.* at PageID 9).

To date, more than thirty (30) days after the April 14, 2023 Deficiency Order, plaintiff has failed to respond to or otherwise comply with the Order.

District courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). See also *Jourdan v. Jabe*, 951 F.2d

108, 109 (6th Cir. 1991). Failure of a party to respond to an order of the court warrants invocation of the Court's inherent power. *See* Fed. R. Civ. P. 41(b).

It is therefore **RECOMMENDED** that this matter be **DISMISSED** for lack of prosecution.

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation ("R&R") within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent's objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Date: May 18, 2023

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE